

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiffs,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, and FACEBOOK,
INC.,

Defendants.

CIVIL ACTION NO. 1:04-CV-11923
(DPW)

MARK ZUCKERBERG, and FACEBOOK, INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

**FACEBOOK DEFENDANTS' OBJECTIONS
TO PLAINTIFF'S DEPOSITION DESIGNATIONS**

Defendants Mark Zuckerberg (“Zuckerberg”), Dustin Moskovitz, Andrew McCollum, Christopher Hughes, and Facebook, Inc. (“Facebook”) (collectively, “Facebook Defendants”),¹ in conjunction with the evidentiary hearing scheduled for October 24-25, 2006, hereby serve their objections to the deposition counter-designations of plaintiff ConnectU LLC to Facebook Defendants’ designations of the deposition testimony of Maria Antonelli and Dharamjit Kumar.

I. DEFENDANTS’ OBJECTIONS TO PLAINTIFF’S DESIGNATIONS OF DEPOSITION TESTIMONY FROM MARIA ANTONELLI

The Facebook Defendants generally object to all deposition designations by plaintiff ConnectU LLC of deposition testimony from Maria Antonelli. Ms. Antonelli is designated one of members of the Board of Managers of ConnectU LLC, and is therefore within the power of ConnectU to compel to appear for the giving of live testimony and not “unavailable” within the meaning of Federal Rule of Evidence 802. Accordingly, all testimony from Ms. Antonelli is improper hearsay with respect to plaintiff.

Subject to the afore-mentioned general objection, the Facebook Defendants object specifically to the following designations of Plaintiff ConnectU LLC to testimony from the deposition of Maria Antonelli:

43:3 to 44:5² Hearsay as to statements from contained in the checking account, and statements from Tyler, Cameron and/or Howard Winkleovss

45:10 to 45:25 Hearsay as to statements made by Richard Paukner.

134:24 to 134:25 Incomplete designation. The response “yes” at 135:2 is required to make the designation complete.

¹ Defendant Eduardo Saverin is represented by separate counsel in this matter. The term “Defendants,” as used herein, refers to all Defendants, including Mr. Saverin. The “Facebook Defendants” may be used herein to refer to all Defendants *except* Mr. Saverin.

² References to page and line numbers from all depositions are provided in the form “xx:yy,” where “xx” are the page numbers and “yy” are the line numbers.

145:5 to 145:8 Incomplete designation; Hearsay as to statements by Cameron Winklevoss.

146:10 to 146:19 Hearsay as to statements by Cameron Winklevoss.

147:15 to 147:17 Hearsay as to statements by Cameron Winklevoss.

170:22 to 171:8 Incomplete designation; Hearsay as to statements by Richard Paukner.

201:5 to 201:8 Hearsay as to statements by Cameron Winklevoss.

215:2 to 215:8 Lack of foundation.

275:10 to 275:13 Hearsay as to statements by Arthur Allen and the accountants of Winklevoss entities, including Ms. Glashen.

II. DEFENDANTS' OBJECTIONS TO PLAINTIFF'S DESIGNATIONS OF DEPOSITION TESTIMONY FROM DHARAMJIT KUMAR

The Facebook Defendants object specifically to the following designations of Plaintiff ConnectU LLC to testimony from the deposition of Dharamjit Kumar:

29:19 to 29:25 Hearsay as to statements by Divya Narendra.

Dated: October 25, 2006.

Respectfully submitted,

/s/ Monte M.F. Cooper

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 25, 2006.

Dated: October 25 2006.

Respectfully submitted,

/s/ Monte M.F. Cooper

Name of Attorney